

Before the Board of Zoning Adjustment, D. C.

Application No. 12081 of D. C. Redevelopment Land Agency, pursuant to Section 8207.1 of the Zoning Regulations for a variance from Section 1302.2 and Section 3301.1 and 3302.1 of the regulations, to permit subdivision to allow for rehabilitation and disposal of properties in accordance with the Shaw Urban Renewal Plan at the premises 1800-1820 8th Street, N. W. and 1805-09, 1813, 1819, 1811, 1823 and 1827 9th Street, N. W., Lots 850, 860, 863, 864, 867-870, 878, 866, Square 394.

HEARING DATE: December 17, 1975

DECISION DATE: December 17, 1975 (From the Bench)

FINDINGS OF FACT

1. The subject properties are located in Shaw School Urban Renewal Area.

2. The applicant proposes to rehabilitate and sell the subject properties in conformance with the Urban Renewal plan of the Shaw area.

3. The applicant proposes to create a mid-block park by including in such park, an area which was a nine foot alley-way (now closed) and twenty (20) feet of rear yard of all the lots included in this application.

4. The subject property is located in the R-4 Zone.

5. The applicant's present request would complete the redevelopment plan for square 394, which is zoned C-M-1 and R-4.

6. By Order in Case No. 10243, the Board permitted the C-M-1 portion of Square 394 to be rehabilitated with the creation of a mid-block park.

7. The total plan of rehabilitation of Square 394 provides a parking facility for 16 automobiles within square 394 as on site parking for the rehabilitated dwellings.

8. The purpose for creation of the mid-block park which creates substandard lots, non-conforming structures, is to provide open spaces park area as required by the urban renewal plan which governs the redevelopment of the subject property.

9. After rehabilitation, the applicant and developer proposes to sell the properties to low and moderate income families.

10. The Municipal Planning Office has reviewed this application, reported and recommends the granting of this application. The Municipal Planning Office reported, and the Board finds, that; the improvements as proposed will up-grade the existing housing, create enclosed rear yards for private use, and allow for an interior block public park, with play equipment for the immediate neighborhood. The proposed rehabilitation will not result in an increase in the number of dwelling units.

11. There was no opposition registered at Public Hearing to this application.

OPINION AND CONCLUSIONS OF LAW

Based upon the above findings of fact, and the record, the Board is of the opinion that the granting of the above application would not be detrimental to the public good, a finding which the Board must make pursuant to Section 8207.11 of the regulations. The Board is also of the opinion, based upon the facts contained in the exclusive record of this case that the property subject to this application presents an exceptional situation regarding its status as urban renewal property controlled by a legislated urban renewal plan with specific controls. Accordingly, the Board concludes that the applicant has carried its burden of proving the existence of a practical difficulty and a hardship as prescribed by Section 8207.11 of the regulations. The applicant, have proved the existence of a hardship, the Board further concludes that the granting of this application, will not impair the meaning and intent of the Zoning Regulations and Map.

ORDERED

That the above application be and hereby GRANTED.

VOTE

3-0 (Lilla Burt Cummings, Esq. and Mr. McIntosh not voting,
not having heard the case)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



JAMES E. MILLER

Secretary to the Board

FINAL DATE OF ORDER: Dec. 17, 1975

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY
UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED
WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A
PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.